

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF JOANNE ) APPEAL NO. 07-A-2282  
MOORE from the decision of the Board of ) FINAL DECISION  
Equalization of Twin Falls County for tax year 2007. ) AND ORDER

**RESIDENTIAL PROPERTY APPEAL**

THIS MATTER came on for hearing January 15, 2008, in Twin Falls, Idaho before Board Member David E. Kinghorn. Board Member Lyle R. Cobbs participated in this decision. Appellant Joanne Moore appeared. Assessor Gerald Bowden and Appraisers John Knapple and Gil Sweesey appeared for Respondent Twin Falls County. This appeal is taken from a decision of the Twin Falls County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. RP08701000065CA.

**The issue on appeal is the market value of residential property.**

**The decision of the Twin Falls County Board of Equalization is affirmed.**

FINDINGS OF FACT

The assessed land value is \$30,566, and improvements valuation is \$89,736, totaling \$120,302. Appellant requests the total value be reduced to \$98,000.

The subject property is 3.361 acres with a single-family residence. Subject is located in Twin Falls Heights Subdivision.

Appellant stated subject is substandard which should be considered in the assessed value. The taxpayer explained subject's condition as poor and in need of many repairs. The kitchen walls need replaced along with the countertops. The laundry room floor is sinking and the bedroom floor is uneven and sloped. The main bathroom needs to be re-done, the ceilings are sagging and the foundation is cracked. The residence needs to be re-insulated.

Appellant further explained the outside of the residence is in poor condition and repairs are needed to garage doors, cracked driveway, deteriorated back part of the house, and back patio. The barn is in need of new doors and hardware, and all of the coral work needs to be removed and replaced. The subject land is rocky and has seeping water. Photographs of subject were submitted to demonstrate the repairs needed.

Respondent explained Idaho law requires all property be assessed at market value each year .

The County stated the assessed land values in subject's subdivision are uniform.

Respondent testified a physical inspection was done on subject before the BOE hearing. Adjustments were applied to the assessed value for subject condition. A negative 75% adjustment was applied for the condition of the barn and other negative adjustments were applied for the substandard condition of the residence.

The County explained both a cost approach and market approach were considered to arrive at subject's assessed value. An estimated 2007 market value of \$120,302 was arrived at under the cost approach.

Respondent also considered the market approach or comparable sales approach. The sales all occurred in 2007 for prices between \$138,500 and \$186,000. The sales were detailed by the County and adjustments were made for differences from subject. The adjusted sale prices ranged between \$133,130 and \$168,620.

#### CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in

support of their respective positions, hereby enters the following.

Idaho is a market value state for property tax purposes.

**Idaho Code § 63-201(10)**

"Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

The Idaho Supreme Court has recognized three (3) approaches to determine market value;

[T]here are three primary methods of determining market value: the cost approach, in which the value as determined by new cost or market comparison is estimated and reduced by accrued depreciation; the income approach, applicable to "income producing property" in which a capitalization rate is determined from market conditions and applied to net income from the property to determine appraised value; and the market data (comparison method) approach, in which value of the assessed property is ascertained by looking to current open market sales of similar property. *Merris v. Ada County*, 100 Idaho 59, 63, 593 P.2d 394, 398 (1979).

Respondent considered a market data approach to value subject and presented three (3) sales to that end. The obvious problem here is the sales took place after the January 1, 2007 lien date.

Appellant, on the other hand, did not present any sales information for the Board to consider. Appellant's argument rested on the fact that the subject was in need of much repair.

The Board must then weigh the evidence submitted to determine the most supportive information. In this case we find the Respondent's analysis was the only information of value for the Board to review.

"The value of property for purposes of taxation as determined by the assessor is presumed to be correct; and the burden of proof is upon the taxpayer to show by [a

preponderance of the] evidence that he is entitled to the relief claimed.” Board of County Comm’rs of Ada County v. Sears, Roebuck & Co., 74 Idaho 39, 46-47, 256 P.2d 526, 530 (1953).

Photographs were presented and Appellant discussed the substandard condition of subject. According to County, adjustments were made in consideration of the condition of subject improvements. Appellant did not provide sales, market information or any estimate of cost to cure for the Board to consider.

Appellant has failed to prove by a preponderance of the evidence that a reduction in subject’s assessment is warranted.

This Board finds Appellant has not supported the claim for relief and therefore affirms the decision of the Twin Falls County Board of Equalization.

#### FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Twin Falls County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

MAILED April 30, 2008